

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

YASMIN FOOD MARKET,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
TOM VILSACK, Secretary, U.S. Department of	:	NO. 11-5184
Agriculture,	:	
	:	
Defendant.	:	

**ORDER**

**AND NOW**, this 24<sup>th</sup> day of *January*, 2012, upon consideration of Defendant Tom Vilsack, Secretary, U.S. Department of Agriculture's Motion to Dismiss (Docket No. 20) and Plaintiff Yasmin Food Market's Response in Opposition (Docket No. 21) it is hereby

**ORDERED** as follows:

1. Defendant's Motion to Dismiss Counts I and II of Plaintiff's Amended Complaint is **DENIED**.
2. Defendant's Motion to Dismiss Count III of Plaintiff's Amended Complaint is **GRANTED**. Count III of the Amended Complaint is **DISMISSED**.

BY THE COURT:

*s/ Ronald L. Buckwalter*  
RONALD L. BUCKWALTER, S.J.